

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-8 are pending in this application. Claims 1-5, 7, and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 5,568,797 to Landerretche. Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Landerretche in view of U.S. patent 4,132,284 to Tomacek.

Addressing the above-noted rejections, those rejections are traversed by the present response.

Applicants initially note each of independent claims 1 and 8 is amended by the present response to make minor clarifications to use more consistent terminology. The claim amendments are not believed to narrow the claims in any aspect.

Applicants respectfully submit the claims clearly recite features neither taught nor suggested by Landerretche, and further in view of Tomacek. Independent claims 1 and 8, and the claims dependent therefrom, are directed to a device for operating a cruise control system for a vehicle. In the claimed device a travel of an accelerator pedal is separated into first and second travel parts, and depressing the pedal into the first travel part engages a cruise control system, i.e. activates or turns on a cruise control system. With reference to Figure 1 in the present specification as a non-limiting example, a travel of a pedal is separated into first and second respective travel parts 311, 312. When a pedal is depressed into the first travel part 311 the cruise control is engaged. Further, a pull-back force of the pedal is smaller in the first travel part 311 than in the second travel part 312.

The above-noted claim features are believed to clearly distinguish over the applied art.

The claimed invention was made with respect to improving upon drawbacks in the background art, and particularly background art in which cruise control systems are activated by utilizing push-buttons that entail high workload and attention span on a part of a driver.<sup>1</sup>

To overcome such drawbacks in the background art, the present invention sets forth a system in which, and with reference to Figure 1 in the present specification as a non-limiting example, the cruise control is activated by depressing a pedal within the boundary of the first travel part 311. That is, in the claimed invention when the pedal is pressed within the boundary of the first travel part 311 a cruise control system is activated.<sup>2</sup> The claimed invention has an additional travel part of the pedal 312 that can be utilized by a driver if the driver wishes to accelerate beyond the speed set by the cruise control.<sup>3</sup> Further, in the claimed invention the pull-back force associated with the first travel part 311 is smaller than the pull-back force associated with the second travel part 312, so that the driver appreciably senses the change from one part to another with his/her foot.<sup>4</sup>

The above-noted structure and operation are believed to be reflected in the claims and neither taught nor suggested by Landerretche.

First, in Landerretche the travel of the pedal does not engage a cruise control system at all. Instead, in Landerretche a speed set limit value is established by a selector 16.<sup>5</sup> In fact, Landerretche does not disclose or suggest any operation of dividing a pedal into two specific travel parts, and particularly in which depressing the pedal into the first travel part engages a cruise control system.

The outstanding rejection only references Landerretche at col. 4, lines 41-45 with respect to the claimed features. However, at that point Landerretche does not disclose any operation in which depression of a pedal engages, i.e. sets or activates, a cruise control

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<sup>1</sup> Specification at page 2, lines 23-32.

<sup>2</sup> See also, for example, the present specification at page 4, line 32 to page 5, line 4.

<sup>3</sup> See, for example, the present specification at page 5, lines 4-11.

<sup>4</sup> See, for example, the present specification at page 4, lines 1-4.

<sup>5</sup> Landerretche at col. 3, lines 14-17.

operation. Landerretche in that respect at col. 5, lines 41-45 also does not even address dividing a travel part of a pedal into two parts.

At col. 5, lines 41-45 Landerretche discloses that a return force F that a driver feels can be zero in position I and maximized in position J.

In that respect, applicants note such teachings in Landerretche are not even directed to the claimed features.

The claimed feature of having a different pull-back force of a pedal within a first travel part than a second travel part is realized so that a driver can recognize when the pedal is in the first travel part versus the second travel part. Landerretche does not even disclose or suggest dividing a travel of a pedal into two travel parts, and particularly in which depressing of the pedal in the first travel part activates a cruise control system, and thus Landerretche clearly cannot disclose changing a pull-back force of a pedal between such first and second travel parts. Stated another way, the positions I and J noted in the teachings in Landerretche are not directed to two different travel parts such that depressing a pedal in the first travel part engages a cruise control system.

In such ways, applicants respectfully submit amended independent claims 1 and 8, and the claims dependent therefrom, patentably distinguish over the teachings in Landerretche.

Moreover, no teachings in Tomacek are seen to overcome the above-noted deficiencies in Landerretche, and thus that further rejection is also traversed by the present response.

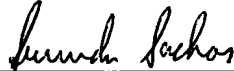
In view of these foregoing comments, applicants respectfully submit each of claims 1-8 is allowable over the applied art.

Application No. 10/626,689  
Reply to Office Action of October 8, 2004

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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